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9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 **SYLVESTER STRONG,**

15 Petitioner,

16 v.

17 **BEN CURRY, Warden,**

18 Respondent.

C07-4927 SI

**REQUEST FOR EXTENSION OF
TIME TO FILE ANSWER;
DECLARATION OF COUNSEL;
[PROPOSED] ORDER**

Judge: The Honorable Susan Illston

19
20 **REQUEST FOR EXTENSION OF TIME TO FILE ANSWER**

21 Petitioner Sylvester Strong is a California state inmate at the Correctional Training Facility,
22 proceeding pro in this habeas corpus action. Petitioner alleges that Governor Arnold
23 Schwarzenegger unconstitutionally reversed his 2006 parole grant. On November 14, 2007, this
24 Court issued an Order to Show Cause, requiring Respondent Warden Ben Curry to file an
25 Answer on or before January 18, 2007. For the reasons set forth in the attached Declaration of
26 Counsel, Respondent respectfully requests a two-week extension of time, up to and including

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Req. for EOT; Decl. of Counsel; [Prop.] Order

Strong v. Curry
Case No. C07-4927 SI

February 1, 2008, to file a responsive pleading in this matter.

Dated: January 16, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

JULIE L. GARLAND
Senior Assistant Attorney General

ANYA M. BINSACCA
Supervising Deputy Attorney General



AMBER N. WIPFLER
Deputy Attorney General

Attorneys for Respondent Warden B. Curry

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SF2007403218

DECLARATION OF COUNSEL

I, Amber N. Wipfler, declare:

1. I am an attorney admitted to practice before the courts of the state of California. I am employed by the California Office of the Attorney General as a Deputy Attorney General in the Correctional Writs and Appeals section.

2. I am the attorney assigned to respond to the petition for writ of habeas corpus filed by inmate Sylvester Strong.

3. On November 14, 2007, this Court issued an Order to Show Cause, requiring Respondent Warden Ben Curry to file a responsive pleading on or before January 18, 2008.

4. On November 30, 2007, my paralegal ordered copies of Petitioner's state court petitions and orders from Fresno County Superior Court, the Fifth District Court of Appeal, and the California Supreme Court. As of today, January 15, 2008, the documents from the appellate court have not yet arrived. Furthermore, petitioner did not attach these documents as exhibits to the Petition.

5. The appellate petition and decision are necessary for me to determine whether Petitioner has exhausted his state court remedies, and whether there is a reasoned state court decision for the purposes of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).

6. Accordingly, Respondent respectfully requests an additional two-week extension of time, up to and including February 1, 2008, to file a responsive pleading in this matter.

7. This request is not made for any purpose of harassment, undue delay, or for any improper reason.

8. Without an extension of time, Respondent would be substantially harmed or prejudiced in that Respondent would not have the opportunity to determine whether the petition meets exhaustion requirements, or whether there is a reasoned state court decision subject to deference

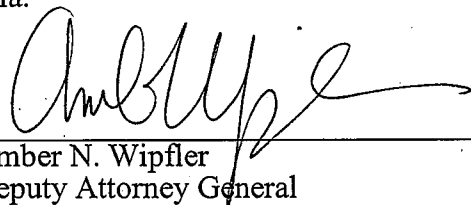
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1 under AEDPA.

2 I declare under penalty of perjury that the above is true and correct, and that this declaration was
3 executed on January 16, 2008, in San Francisco, California.

4 
5
6 Amber N. Wipfler
Deputy Attorney General

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Strong v. Curry**
No.: **C07-4927 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 16, 2008, I served the following documents:

1. RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO FILE ANSWER;
DECLARATION OF COUNSEL
2. [PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Sylvester Strong
D-99287
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686
In Pro Se
D-99287

Electronic Mail Notice List

I have caused the above-mentioned documents to be electronically served on the following person, who is currently on the list to receive e-mail notices for this case:

NONE

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

Sylvester Strong

D-99287

Correctional Training Facility

P.O. Box 686

Soledad, CA 93960-0686

In Pro Se

D-99287

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 16, 2008, at San Francisco, California.

S. Redd

Declarant

S. Redd
Signature

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